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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
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7 VICTOR TAGLE,

8 Plaintiff,

9 vs.

10 STATE OF NEVADA, et al.,

11 Defendants.  
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Case No. 2:15-cv-02143-RFB-CWH

**ORDER**

13 Presently before the court is Defendant Christopher Beecroft's Motion to Screen Plaintiff's  
14 "3rd Amended Complaint 'Tort Action' Jury Requested"<sup>1</sup> (ECF No. 121), filed on October 26,  
15 2017.

16 Also before the court are Defendant's motions to extend time to file motion to dismiss (ECF  
17 Nos. 117, 122), filed on October 17 and October 26, 2017.

18 At the hearing on September 29, 2017, the United States district judge assigned to this case  
19 ordered that Plaintiff Victor Tagle's fifth amended complaint (ECF No. 37) will serve as the  
20 operative complaint in this case. (Mins. of Proceedings (ECF No. 110).) He further ordered  
21 Defendant to file a motion to dismiss, set a briefing schedule for the motion to dismiss, and stated  
22 that he would set a hearing on the forthcoming motion to dismiss. (*Id.*) After the deadline for  
23 filing the motion to dismiss had passed, Defendant filed a motion to extend time to file the motion  
24 to dismiss, stating that Defendant's attorney had been absent from the office due to illness and  
25 needed additional time to draft the motion to dismiss. (Def.'s Mot. for Enlargement of Time to File  
26 Mot. to Dismiss (ECF No. 117).) Defendant subsequently requested that the court screen the fifth  
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28 <sup>1</sup> Although this pleading is titled "3rd Amended Complaint," it is actually the fifth amended  
complaint. (*See* Compl. (ECF No. 1-1); Am. Compl. (ECF No. 2); Second Am. Compl. (ECF No. 6);  
Third Am. Compl. (ECF No. 17); Fourth Am. Compl. (ECF No. 21); Fifth Am. Compl. (ECF No. 37).)

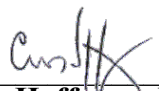
1 amended complaint and that the court require motions to dismiss to be filed two weeks after the  
2 court has ruled on the motion to screen. (Mot. to Screen (ECF No. 121); Mot. for Enlargement of  
3 Time to File Mot. to Dismiss (ECF No. 122).)

4 Given that the United States district judge ordered Defendant to file a motion to dismiss, the  
5 court will deny Defendant's order requesting screening. The court finds, however, that in light of  
6 defense counsel's illness, Defendant has demonstrated excusable neglect for failing to timely file  
7 the motion to dismiss and will grant Defendant's motions for extension of time.

8 IT IS THEREFORE ORDERED that Defendant Christopher Beecroft's Motion to Screen  
9 Plaintiff's "3rd Amended Complaint 'Tort Action' Jury Requested" (ECF No. 121) is DENIED.

10 IT IS FURTHER ORDERED that Defendant Christopher Beecroft's motions for extension  
11 to time to file motions to dismiss (ECF Nos. 117, 122) are GRANTED. Defendant's deadline for  
12 filing a motion to dismiss is November 13, 2017.

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14 DATED: October 30, 2017

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17 **C.W. Hoffman, Jr.**  
18 **United States Magistrate Judge**  
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